

Deborah A. Sivas, CA Bar No. 135446  
Alicia E. Thesing, CA Bar No. 211751  
Mari Takemoto-Chock, CA Student Bar No. 39098  
ENVIRONMENTAL LAW CLINIC  
Mills Legal Clinic at Stanford Law School  
559 Nathan Abbott Way  
Stanford, California 94305-8610  
Telephone: (650) 723-0325  
Facsimile: (650) 723-4426  
dsivas@stanford.edu

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

PIT RIVER TRIBE; NATIVE COALITION  
FOR MEDICINE LAKE HIGHLANDS  
DEFENSE; MOUNT SHASTA  
BIOREGIONAL ECOLOGY CENTER;  
SAVE MEDICINE LAKE COALITION; and  
MEDICINE LAKE CITIZENS FOR  
QUALITY ENVIRONMENT,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT;  
UNITED STATES DEPARTMENT OF  
THE INTERIOR; UNITED STATES  
FOREST SERVICE; UNITED STATES  
DEPARTMENT OF AGRICULTURE; and  
CALPINE CORPORATION,

Defendants.

**FILED**

JAN 28 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

Consolidated Cases

No. CIV. 2:04-00956-JAM-JFM

No. CIV. 2:04-00969-JAM-JFM

**REQUEST FOR PERMISSION TO FILE  
OVERLENGTH MEMORANDUM IN  
SUPPORT OF PLAINTIFFS' SUMMARY  
JUDGMENT MOTION; ORDER**

1 TO ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiffs hereby seek the Court's permission to file an opening  
3 memorandum of law in support of Plaintiffs' summary judgment motion in excess of twenty-five (25)  
4 pages provided by the Court's Standing Order. Specifically, Plaintiffs seek leave to file an opening  
5 memorandum of not more than thirty-five (35) pages. Plaintiffs have provided Defendants with advance  
6 notice of this request, which is based on the following Application and the pleadings and other  
7 documents or records filed in this matter.  
8

9 **APPLICATION**

10 Plaintiffs respectfully request leave to file an overlength opening memorandum of law in support  
11 of their summary judgment motion for three reasons. First, as part of a tentative negotiated briefing  
12 schedule, the parties have stipulated, subject to the Court's permission, to forego the separate filing of a  
13 Statement of Undisputed Facts. Thus, the memorandum will contain a fully developed factual  
14 background with citations to the lengthy Administrative Record in lieu of the separate statement of facts.  
15 Second, the motion will seek judgment on all remaining issues and claims in this matter, obviating the  
16 need for trial. The parties have agreed, again subject to the Court's approval, that Plaintiffs' summary  
17 judgment motion will resolve this case in its entirety. Third, to adequately brief these claims, the  
18 memorandum will address complicated issues, including the extensive history of the 1998 decision as to  
19 twenty-six (26) leases, the applicable laws and regulations (which have been amended several times),  
20 the contours of the unit agreement, and the record facts surrounding the 1998 decision.  
21  
22

23 Although the parties have tentatively stipulated to a briefing schedule, they have not been able to  
24 reach agreement on the issue of brief length. Accordingly, before filing the stipulation and proposed  
25 order, Plaintiffs seek the Court's permission for an overlength opening memorandum. If the Court  
26  
27  
28

1 grants this request, Plaintiffs are prepared to file the stipulated schedule and proposed order immediately  
2 thereafter.

3 For the foregoing reasons, Plaintiffs request leave to file an opening memorandum of not more  
4 than thirty-five (35) pages.

5 Dated: January 27, 2016

6 Respectfully submitted,  
7 ENVIRONMENTAL LAW CLINIC  
8 Mills Legal Clinic at Stanford Law School

9 By: /s/ Deborah A. Sivas  
10 Deborah A. Sivas

11 Attorneys for Plaintiffs PIT RIVER TRIBE; NATIVE  
12 COALITION FOR MEDICINE LAKE HIGHLANDS DEFENSE;  
13 MOUNT SHASTA BIOREGIONAL ECOLOGY CENTER;  
14 SAVE MEDICINE LAKE COALITION; and MEDICINE LAKE  
15 CITIZENS FOR QUALITY ENVIRONMENT

16 **ORDER**

17 Good cause appearing therefor, <sup>JAM</sup> Plaintiffs' ~~Petitioners'~~ *ex parte* application to file an overlength opening  
18 memorandum in support of its summary judgment motion of not more than ~~thirty five (35)~~ <sup>thirty (30)</sup> pages is  
19 hereby GRANTED. *Plaintiffs are ordered to file a statement of undisputed facts*  
20 *along with their opening brief in compliance with*

21 IT IS SO ORDERED. *Local Rule 260.*

22 DATED: 1-28-2016

23 By: *JLA Mendy*  
24 United States District Judge